



**Call Memo - XXX**  
Printed on MM/DD/YYYY

*Filed: MM/DD/YYYY X:XX AM/PM (FOR SCHEDULING) (if updated note in italics and in green font).*

**APPROVED BY:** [Insert consulted department heads. If other stakeholders have been consulted, but have not approved, please note that in the text of the memo.]

**CALL SHEET**  
July 14, 2021

**MEMORANDUM FOR THE ADMINISTRATOR**

**FROM:** Julia Giarmoleo, 213-326-2033, Giarmoleo.julia@epa.gov  
**CC:** SEMD, LCARD  
**CONTACT:** Julia Giarmoleo, OPA, 213-326-2033, Giarmoleo.Julia@epa.gov  
**EVENT DATE:** July 14, 2021  
**TIME:** TBD  
**SUBJECT:** Montrose Chemical Corp. Superfund Site/DDT ocean dumping; Exide  
**STAFFING:** Deborah Jordan (R9 Acting RA), 415-972-3133, [ [HYPERLINK "mailto:Jordan.Deborah@epa.gov"](mailto:Jordan.Deborah@epa.gov) ]; Enrique Manzanilla (R9 SEMD Director), 415-972-3843, [ [HYPERLINK "mailto:Manzanilla.Enrique@epa.gov"](mailto:Manzanilla.Enrique@epa.gov) ]; Jeff Scott (R9 LCARD Director), 415-972-3311, [ [HYPERLINK "mailto:Scott.Jeff@epa.gov"](mailto:Scott.Jeff@epa.gov) ]; Casey Katims (OCIR Deputy Associate Administrator for Intergovernmental Affairs), 202-494-4609, [ [HYPERLINK "mailto:Katims.Casey@epa.gov"](mailto:Katims.Casey@epa.gov) ]

**PURPOSE OF CALL AND LAST INTERACTION**

Los Angeles County Board of Supervisors Chair Hilda Solis is requesting a briefing with YOU on environmental issues affecting Los Angeles County. Topics of interest likely include the Montrose Chemical Corp. Superfund Site and related DDT disposal in the Pacific, as well as cleanup of the former Exide Battery Recycling Facility – and impacts on the nearby community – in Vernon, CA. This will be YOUR first call with Supervisor Solis.

On February 3, 2021, Supervisor Solis sent a letter to President Biden calling for completion of Exide facility deconstruction and decontamination, and highlighting the environmental justice issues Los Angeles County faces related to Exide and

[PAGE] of [NUMPAGES]

Printed on MM/DD/YYYY



**Call Memo - XXX**  
Printed on MM/DD/YYYY

*Filed: MM/DD/YYYY X:XX AM/PM (FOR SCHEDULING) (if updated note in italics and in green font).*

more broadly. R9 Acting Regional Administrator Deborah Jordan responded to this letter on February 26, 2021. On May 7, 2021, Supervisor Solis sent a letter on behalf of all five Los Angeles County Supervisors to YOU urging EPA to assess undersea DDT off the coast of Catalina Island and expedite its cleanup.

Commented [GS1]: Move to background?

## **KEY POINTS SECTION**

### **MONTROSE/DEEP OCEAN DDT:**

- EPA understands the importance of preserving the marine environment and protecting human health, and takes seriously our commitment to science and transparency.
- We continue to prioritize protecting the public from the most imminent threats from DDT contamination, esp. through our extensive outreach activities aimed at preventing the consumption of contaminated seafood in the area.
- EPA appreciates the ongoing collaboration among federal agencies – EPA, NOAA, DOI – and state agencies in determining next steps. We need to bring to bear all our expertise on this unprecedented and complex deep ocean disposal issue.

### **EXIDE:**

- EPA continues to partner with the State of California on how to best transition from a cleanup of the facility led by the trust set up by Exide's bankruptcy to a state contractor-led cleanup, while keeping the community protected from remaining contamination at the facility.
- EPA recognizes that there is a long history of environmental impacts to this overburdened, low-income community.

## **BACKGROUND**

### **MONTROSE/DEEP OCEAN DDT:**

- Articles in the Los Angeles Times (October 25, 2020 and April 26, 2021) have raised public, Congressional, and local officials' concerns about the disposal decades ago of waste containing DDT at several deep-ocean sites off the coast of Southern California. The primary source of DDT was the Montrose Chemical Corporation of California, which generated acid waste at its DDT production plant in Torrance, CA.
- The company arranged for the disposal of waste containing DDT at several ocean disposal sites from the late 1940's until the early 1960's. A total of 14 documented deep-water ocean disposal sites off the Southern California

[PAGE] of [NUMPAGES]

Printed on MM/DD/YYYY



**Call Memo - XXX**

Printed on MM/DD/YYYY

*Filed: MM/DD/YYYY X:XX AM/PM (FOR SCHEDULING) (if updated note in italics and in green font).*

coast received chemical, refinery, munitions, radioactive and other wastes from a number of companies, as well as the government. Very little information is available regarding conditions at these sites or whether the contamination poses, or could pose, risks to the environment or human health.

- In the 1980's and 1990's, state and federal agencies (i.e., NOAA and DOI) examined this ocean disposal. Technology limited their ability to investigate the deep ocean at that time. Meanwhile, the Montrose Plant property and areas where contamination from the Plant had come to be located (including the Palos Verdes Shelf near-shore ocean area) were added to the National Priorities List as the Montrose Chemical Superfund Site.
- As one piece of a new interagency effort, EPA is reviewing the historical record of prior ocean disposal of acid waste containing DDT, drawing upon our extensive Superfund-related investigation of the operational history at the Montrose Torrance DDT Plant. To date, this review is indicating that DDT-containing waste was deposited in the Pacific Ocean in bulk, rather than in drums, contrary to what was reported in the press. This revelation will help frame any further deep-ocean investigations.

**EXIDE:**

- Beginning in 1922, Exide and its predecessors operated a secondary lead smelter, recycling lead-acid batteries in Vernon, CA.
- Around 2012, the California Department of Toxic Substances Control (DTSC) discovered that decades of air pollution from the Vernon facility had deposited lead across an area spanning 10,000 primarily residential properties.
- In 2014, Exide ceased operation and began closure and cleanup activities per the State-approved RCRA Closure Plan under DTSC oversight.
- In 2020, Exide filed for bankruptcy (for the third time since 2002), reaching a bankruptcy settlement that established the Vernon Environmental Response Trust (VERT) and designated EPA as the "lead agency".
- EPA currently has fiduciary responsibilities over the expenditure of funds for facility closure and cleanup (excluding residential property cleanups).
- DTSC and the South Coast Air Quality Management District are the Federally authorized regulatory lead agencies for closure and compliance for their respective media programs at the facility.

[PAGE] of [NUMPAGES]

Printed on MM/DD/YYYY



**Call Memo - XXX**  
Printed on MM/DD/YYYY

*Filed: MM/DD/YYYY X:XX AM/PM (FOR SCHEDULING) (if updated note in italics and in green font).*

- Approximately \$28.5 million is available via bankruptcy proceedings to conduct closure of the facility. This amount falls far short of funding needed to achieve closure and cleanup of the facility.
- California recently dedicated \$132 million in their State budget for DTSC to address the Exide facility.
- Separately, DTSC continues to oversee residential yard cleanup at approximately 10,000 properties.

### **OTHER CONSIDERATIONS**

In her communications with EPA, Supervisor Solis has mentioned the significant environmental justice issues Los Angeles County communities face, and has expressed explicit support for President Biden's Executive Order on Tackling the Climate Crisis at Home and Abroad, as well as California State Assembly member Patrick O'Donnell's Assembly Joint Resolution (AJR) 2, which calls on Congress and the EPA to act on the recently discovered DDT waste dumped off the shores of Catalina Island.

In Supervisor Solis's February 3, 2021 letter to President Biden, Solis states that the "Trump EPA and DOJ quickly orchestrated a settlement that let Exide Technologies walk away from its responsibility to clean up lead pollution (...)" and in an Exide related press release issued by her office, "However, now the Trump Administration is letting Exide walk away from that promise, leaving the cost of that cleanup to the taxpayers." ([ HYPERLINK "<https://hildalsolis.org/supervisor-solis-statement-on-the-u-s-bankruptcy-court-allowing-exide-to-abandon-toxic-battery-recycling-facility-in-vernon/>" ])

### **SUGGESTED TALKING POINTS**

#### **MONTROSE/DEEP OCEAN DDT:**

- There are 14 documented deep-water ocean disposal sites off the Southern California coast. These sites received chemical, refinery and other wastes from many sources between the 1930's and the 1960's.
- EPA has helped convene senior leaders from state and federal agencies, meeting four times over the past few months to discuss this issue, focusing on an initial assessment of Disposal Site #2, which is located northeast of Santa Catalina Island.

[PAGE] of [NUMPAGES]

Printed on MM/DD/YYYY



**Call Memo - XXX**  
Printed on MM/DD/YYYY

*Filed: MM/DD/YYYY X:XX AM/PM (FOR SCHEDULING) (if updated note in italics and in green font).*

- Participating agencies were CalEPA, the California Natural Resources Agency, the California State Water Resources Control Board, the Los Angeles Regional Water Quality Control Board, the California Department of Toxic Substances Control, U.S. EPA, NOAA, and the U.S. Department of the Interior.
- EPA is reviewing the historical record of prior ocean disposal of acid waste containing DDT to help deepen our understanding of this issue.

#### **EXIDE:**

- There is a long history of environmental impacts to this overburdened, low-income community.
- Funds available from the Exide bankruptcy settlement are estimated to be exhausted by the end of 2021, leaving behind considerable closure and cleanup needs.
- EPA is pleased that DTSC was able to recently secure state funding to close and cleanup the site.
- DTSC has indicated that they will issue contracts to outside parties to continue the cleanup at Exide before VERT funding is exhausted.
- Since DTSC will soon both be using state funds to close and cleanup the site and remains the authorized lead regulatory agency, EPA and DTSC will need to negotiate what role, if any, remains for the VERT and what impacts that has on EPA's formal role
- EPA will continue to partner with the State of California to keep the community protected from remaining contamination at the facility.
- EPA will also continue to inform the public about ongoing closure activities via public meetings and our webpage at [ HYPERLINK "<https://www.epa.gov/ca/former-exide-battery-recycling-facility-vernon-california>" ].

#### **Upcoming Milestones:**

- DTSC is scheduling public meetings for early September 2021.
- Deconstruction of the lead smelter buildings is expected to be completed in September 2021.

[PAGE] of [NUMPAGES]

Printed on MM/DD/YYYY



**Call Memo - XXX**  
Printed on MM/DD/YYYY

*Filed: MM/DD/YYYY X:XX AM/PM (FOR SCHEDULING) (if updated note in italics and in green font).*

- VERT will complete its active work by December 2021 at which point it is expected that DTSC's contractor will take over facility closure and cleanup operations.

## **BIOGRAPHY**

### **Hilda Solis, Los Angeles County Supervisor (Board Chair; 1<sup>st</sup> District)**



Supervisor Hilda L. Solis was sworn in as Los Angeles County Supervisor for the First District of Los Angeles County on December 1, 2014. She was re-elected to a new four-year term in 2018. Prior to becoming Supervisor, Solis served as Secretary of Labor under President Barack Obama. Supervisor Solis was confirmed on February 24, 2009, becoming the first Latina to serve in the United States Cabinet. Before that, Supervisor Solis represented the 32nd Congressional District in California, a position she held from 2001 to 2009.

The first woman to represent the San Gabriel Valley in the California State Legislature, Solis served in the California State Assembly from 1992 to 1994, and in 1994 she made history by becoming the first Latina elected to the California State Senate. Her California environmental justice legislation, enacted in 1999, was the first of its kind in the nation to become law. Supervisor Solis was the first in her family to graduate from college, earning a degree from California State Polytechnic University, Pomona; she also earned a Master of Public Administration from the University of Southern California. Supervisor Solis married Sam Sayyad, a small business owner in 1982.

### **Last Interaction (if applicable)**

N/A

[PAGE] of [NUMPAGES]

Printed on MM/DD/YYYY